

BILL NO. G-89-09-20 (as amended) (as amended)

GENERAL ORDINANCE

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE.

WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their resale value; and

WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following two Articles are added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled "Business Regulations Generally":

ARTICLE II. VALUABLE METALS

Division 1. In General

Sec. 7-20. Definitions.

"Person" means any individual, firm, corporation or partnership.

"Valuable metal" means any copper, lead, titanium, stainless steel, copper alloy or brass, formed as bar, cable, rod, tubing, wire, wire scrap, clamp, connector, bushing or bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures.

"Valuable metal dealer" means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.



1           Sec. 7-21. Records of purchases.

2           Except as provided in section 7-30 of this chapter, every  
3           person licensed as a valuable metal dealer shall keep and  
4           preserve 3" X 5" cards or other forms, which may be furnished  
5           by the Fort Wayne Police Department, for each purchase of  
6           valuable metal the following information:

- 7           a). The date and time of each purchase;  
8           b). An accurate account and description of the valuable  
9           metal purchased, including the weight and whether  
10          it consists of bar, cable, rod, tubing, wire, wire  
11          scrap, clamp, connector or other appurtenances or  
12          some combination thereof; or the type of building  
13          materials purchased;  
14          c). The price paid for the valuable metal;  
15          d). The name, address, age, sex, race, date of birth,  
16          driver's license number or social security number  
17          of the person or persons from whom the valuable  
18          metal was purchased.

19          The dealer shall further require that the seller be properly  
20          identified with two verifiable pieces of identification, one  
21          of which shall be a pictured identification card.

22          The 3" X 5" cards or other forms provided for in this section  
23          shall be consecutively numbered and dated, and at all times  
24          during business hours shall be open to the inspection of the  
25          Chief of Police of the City or any members of the police  
26          force authorized by the Chief of Police to examine such  
27          records. Said cards or forms shall be retained at the  
28          business premises of a valuable metal dealer for a period of  
29          one (1) year from date of purchase.

30          Sec. 7-22. Chief of police required to fax "hot sheet".

31          The Chief of Police or his/her agent shall, at their  
32          discretion, provide a "hot sheet", listing stolen goods  
33          containing valuable metals, to all valuable metal dealers by  
34          the utilization of a FAX machine or making it available for  
35          retrieval at the office of the Chief of Police.

36          Sec. 7-23. Buying valuable metals from minors.

37          It shall be unlawful for any valuable metal dealer to take,  
38          purchase or receive any goods or articles containing any  
39          valuable metals, from any person who is under the age of  
40          eighteen years, unless the parent, guardian or other person  
41          having custody of the minor, shall be present and authorize  
42          the minor to sell and deliver such goods or articles to such  
43          valuable metal dealer and provide the information required in  
44          Section 7-21 of this article.

45          Sec. 7-24. Retention before sale or disposition.

46          All goods or articles containing valuable metals purchased or  
47          received by any proprietor, manager or employee of any  
48          licensed valuable metal dealer, shall be retained at the  
49          place of business of the licensed dealer, by the proprietor,  
50          manager, or employee for a period of not less than thirty-six  
51          (36) hours after its receipt before any such goods or  
52          articles may be disposed of or sold.



1  
2 Division 2. Licenses.

3 Sec. 7-25. Required.

4 No person shall engage in the business of a valuable metal  
5 dealer in the City of Fort Wayne without complying with this  
6 Ordinance and obtaining a license therefor.

7 Sec. 7-26. Application.

8 Application for such license shall be filed with the  
9 Controller of the City of Fort Wayne. The Controller shall  
10 furnish a copy of the application to the Chief of Police.  
11 The application shall be on forms furnished by the Controller  
12 and shall contain the following information:

- 13 a). Name and address of the applicant;  
14 b). The street address of the building in which that  
15 person intends to carry out the business of a  
16 valuable metal dealer;  
17 c). The business telephone number.

18 Sec. 7-27. Fee; issuance.

19 Every applicant for a valuable metal dealer's license shall  
20 pay a non-refundable annual license fee in the sum of Ten  
21 dollars (\$10.00). The license shall expire on December 31 of  
22 the year in which the license shall be issued. No reduction  
23 shall be made for any part of the year elapsed at the time of  
24 making such application for such license.

25 Sec. 7-28. Separate license for each establishment; change  
26 of location.

27 A separate license shall be obtained for each location at  
28 which a person conducts the business of a valuable metal  
29 dealer. If the holder of a license of a valuable metal  
30 dealership wishes to change the location of the operation of  
31 that person's business, that person shall make written  
32 notification for a transfer of location to the Controller of  
the City of Fort Wayne, which notification shall contain the  
new business address and business telephone number of the  
person.

Sec. 7-29. Violations; penalty.

- a). Any license issued under this article may be revoked or  
suspended by the City Controller by reason of a  
violation of any of the provisions of this Ordinance.
- b). When a hearing is set by the City Controller in a  
revocation or suspension procedure, the licensee shall  
receive not less than twenty (20) days written notice,  
which notice shall contain charges made, as well as the  
time and place when the hearing will be held.
- c). At a hearing conducted pursuant to this Article, the  
licensee shall have the right to be represented by  
counsel, to present witnesses, to testify and cross-  
examine any other witnesses and to subpoena witnesses.  
Proceedings shall be conducted under oath.



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2 d). The City Controller shall preside at the hearing and  
3 shall make the final determination.

4 e). If any decision adverse to the licensee is made by the  
5 City Controller after a hearing as provided above, the  
6 City Controller shall provide the licensee with a  
7 written reason for such decision, as well as a notice of  
8 the licensee's right to appeal to the Courts of the  
9 State of Indiana.

10 f). Any person who violates or fails to comply with any  
11 provision of this article shall, upon conviction  
12 thereof, be fined in the sum of five hundred dollars  
13 (\$500.00). Each day such violation is committed or  
14 permitted to continue shall constitute a separate  
15 offense.

16 7-30. Exclusions.

17 This Ordinance shall not effect persons that sell items  
18 covered by this Ordinance to the public, but purchase the  
19 same from dealers, manufacturers, or wholesalers, and do not  
20 purchase such items from the public.

21 ARTICLE III. PRECIOUS METALS AND STONES

22 Division 1. In General

23 Sec. 7-31. Definitions.

24 "Person" means any individual, firm, corporation or  
25 partnership.

26 "Precious metal or stones" means any items containing  
27 precious metals, including but not limited to silver, gold  
28 and platinum; or containing gems including but not limited to  
29 diamonds, rubies or emeralds.

30 "Precious stones or metals dealer" means any person engaged  
31 in the business of purchasing and reselling valuable items  
32 containing precious metals or stones, either at a permanently  
established place of business or in connection with a  
business of an itinerant nature, including junk shops, junk  
stores, antique dealers, secondhand stores, or flea markets.

33 Sec. 7-32. Records of purchases.

34 Except as provided in section 7-40 of this chapter, every  
35 person licensed as a precious metals or stones dealer shall  
36 keep and preserve 3" X 5" cards or other forms, which may be  
37 furnished by the Fort Wayne Police Department, for each  
38 purchase of precious metals or stones the following  
39 information:



- a). The date and time of each purchase;
- b). An accurate account and description of the precious metals or stones purchased, including the weight, and type of item purchased;
- c). The price paid for the item containing precious metals or stones;
- d). The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the precious metals or stones was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3" X 5" cards or other forms provided for in this section shall be consecutively numbered and dated, at all times during business hours, shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a precious metals or stones dealer for a period of one (1) year from date of purchase.

Sec. 7-33. Chief of police required to fax "hot sheet".

The Chief of Police or his/her agent shall, at their discretion, provide a "hot sheet", listing stolen goods containing precious metals or stones, to all precious metal and stone dealers by the utilization of a FAX machine or by making them available for retrieval at the office of the Chief of Police.

Sec. 7-34. Buying precious metals or stones from minors.

It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such precious metals or stones dealer and provide the information required in Section 7-32 of this article.

Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

## Division 2. Licenses.

Sec. 7-36. Required.

No person shall engage in the business of a precious metals or stones dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license therefor.



1 In the event several precious stones or metal dealers are  
2 located at a coin or antique show which is ten (10) days or  
3 less of duration, only the organizer/manager of said coin or  
4 antique show shall be required to purchase a license.  
5 However, if said antique show or coin show has a duration in  
6 excess of ten (10 days), each precious stones or metals  
7 dealer at said show shall be required to purchase a separate  
8 license.

9  
10 Sec. 7-37. Application.

11 Application for such license shall be filed with the  
12 Controller of the City of Fort Wayne. The Controller shall  
13 furnish a copy of the application to the Chief of Police.  
14 The application shall be on forms furnished by the Controller  
15 and shall contain the following information:

- 16 a). Name and address of the applicant;  
17 b). The street address of the building in which that  
18 person intends to carry out the business of a  
19 precious metals or stones dealer;  
20 c). The business telephone number.

21 Sec. 7-38. Fee; issuance.

22 Every applicant for a precious metals or stones dealer's  
23 license shall pay a non-refundable annual license fee in the  
24 sum of Ten dollars (\$10.00). The license shall expire on  
25 December 31 of the year in which the license shall be issued.  
26 No reduction shall be made for any part of the year elapsed  
27 at the time of making such application for such license.

28 Sec. 7-39. Separate license for each establishment; change  
29 of location.

30 A separate license shall be obtained for each location at  
31 which a person conducts the business of a precious metals or  
32 stones dealer. In the case of a flea market only one (1)  
license need be obtained for the whole flea market, and not  
for each participant at such flea market. If the holder of a  
license of a precious metals or stones dealership wishes to  
change the location of the operation of that person's  
business, that person shall make written notification for a  
transfer of location to the Controller of the City of Fort  
Wayne, which notification shall contain the new business  
address and business telephone number of the person.

33 Sec. 7-40. Violations; penalty.

- 34 a). Any license issued under this article may be revoked or  
35 suspended by the City Controller by reason of a  
36 violation of any of the provisions of this Ordinance.  
37 b). When a hearing is set by the City Controller in a  
38 revocation or suspension procedure, the licensee shall  
39 receive not less than twenty (20) days written notice,  
40 which notice shall contain charges made, as well as the  
41 time and place when the hearing will be held.  
42 c). At a hearing conducted pursuant to this Article, the  
licensee shall have the right to be represented by  
counsel, to present witnesses, to testify and cross-  
examine any other witnesses and to subpoena witnesses.  
Proceedings shall be conducted under oath.



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2 d). The City Controller shall preside at the hearing and  
3 shall make the final determination.

4 e). If any decision adverse to the licensee is made by the  
5 City Controller after a hearing as provided above, the  
6 City Controller shall provide the licensee with a  
7 written reason for such decision, as well as a notice of  
8 the licensee's right to appeal to the Courts of the  
9 State of Indiana.

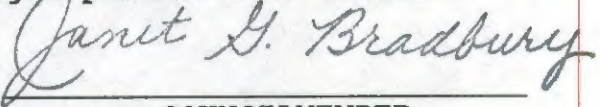
10 f). Any person who violates or fails to comply with any  
11 provision of this article shall, upon conviction  
12 thereof, be fined in the sum of five hundred dollars  
13 (\$500.00). Each day such violation is committed or  
14 permitted to continue shall constitute a separate  
15 offense.

16 7-41. Exclusions.

17 This Ordinance shall not effect persons that sell items  
18 covered by this Ordinance to the public, but purchase the  
19 same from dealers, manufacturers, or wholesalers, and do not  
20 purchase such items from the public.

21 SECTION 2. Severability. Should any section,  
22 paragraph, sentence, clause or phrase of this ordinance be  
23 declared unconstitutional or invalid for any reasons, the  
24 remainder of said ordinance shall not be affected thereby.

25 SECTION 3. That this Ordinance shall be in full force  
26 and effect from and after its passage and all necessary  
27 approval by the Mayor, and its legal publication thereof.

28   
29 COUNCILMEMBER

30 APPROVED AS TO FORM  
31 AND LEGALITY.

32  
33 Stanley A. Levine  
34 Legal Advisor to  
35 Fort Wayne Common Council



GENERAL ORDINANCE ~~12-11-89~~

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE.

WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their resale value; and

WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following two Articles are added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled "Business Regulations Generally":

ARTICLE II. VALUABLE METALS

Division 1. In General

Sec. 7-20. Definitions.

"Person" means any individual, firm, corporation or partnership.

"Valuable metal" means any copper, copper alloy or brass, bar, cable, rod, tubing, wire, wire scrap, clamp, connector, bushing or bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures.

"Valuable metal dealer" means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.



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3 Sec. 7-21. Records of purchases.

4 Except as provided in section 7-30 of this chapter, every  
5 person licensed as a valuable metal dealer shall keep and  
6 preserve 3" X 5" cards, furnished by the Fort Wayne Police  
Department, for each purchase of valuable metal the following  
information:

- 7 a). The date and time of each purchase;  
8 b). An accurate account and description of the valuable  
9 metal purchased, including the weight and whether  
10 it consists of bar, cable, rod, tubing, wire, wire  
11 scrap, clamp, connector or other appurtenances or  
12 some combination thereof; or the type of building  
materials purchased;  
13 c). The price paid for the valuable metal;  
14 d). The name, address, age, sex, race, date of birth,  
driver's license number or social security number  
of the person or persons from whom the valuable  
metal was purchased.

15 The dealer shall further require that the seller be properly  
16 identified with two verifiable pieces of identification, one  
17 of which shall be a pictured identification card.

18 The 3" X 5" cards provided for in this section shall be, at  
19 all times during business hours, open to the inspection of  
20 the Chief of Police of the city or any members of the police  
21 force authorized by the Chief of Police to examine such  
22 records.

23 Sec. 7-22. Chief of police required to fax "hot sheet".

24 The Chief of Police or his/her agent shall provide a "hot  
25 sheet", listing stolen goods containing valuable metals, to  
26 all valuable metal dealers by the utilization of a FAX  
27 machine or making it available for retrieval at the office of  
28 the Chief of Police.

29 Sec. 7-23. Buying valuable metals from minors.

30 It shall be unlawful for any valuable metal dealer to take,  
31 purchase or receive any goods or articles containing any  
32 valuable metals, from any person who is under the age of  
eighteen years, unless the parent, guardian or other person  
having custody of the minor, shall be present and authorize  
the minor to sell and deliver such goods or articles to such  
valuable metal dealer and provide the information required in  
Section 7-21 of this article.

33 Sec. 7-24. Retention before sale or disposition.

34 All goods or articles containing valuable metals purchased or  
35 received by any proprietor, manager or employee of any  
36 licensed valuable metal dealer, shall be retained at the  
place of business of the licensed dealer, by the proprietor,  
manager, or employee for a period of not less than thirty-six  
(36) hours after its receipt before any such goods or  
articles may be disposed of or sold.



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3 Division 2. Licenses.

4 Sec. 7-25. Required.

5 No person shall engage in the business of a valuable metal  
6 dealer in the City of Fort Wayne without complying with this  
Ordinance and obtaining a license therefor.

7 Sec. 7-26. Application.

8 Application for such license shall be filed with the  
9 Controller of the City of Fort Wayne. The Controller shall  
10 furnish a copy of the application to the Chief of Police.  
The application shall be on forms furnished by the Controller  
and shall contain the following information:

- 11 a). Name and address of the applicant;  
12 b). The street address of the building in which that  
13 person intends to carry out the business of a  
valuable metal dealer;  
c). The business telephone number.

14 Sec. 7-27. Fee; issuance.

15 Every applicant for a valuable metal dealer's license shall  
16 pay a non-refundable annual license fee in the sum of One  
hundred dollars (\$100.00). The license shall expire on  
17 December 31 of the year in which the license shall be issued.  
No reduction shall be made for any part of the year elapsed  
at the time of making such application for such license.

18 Sec. 7-28. Separate license for each establishment; change  
19 of location.

20 A separate license shall be obtained for each location at  
21 which a person conducts the business of a valuable metal  
dealer. If the holder of a license of a valuable metal  
22 dealership wishes to change the location of the operation of  
that person's business, that person shall make written  
23 notification for a transfer of location to the Controller of  
the City of Fort Wayne, which notification shall contain the  
24 new business address and business telephone number of the  
person.

25 Sec. 7-29. Violations; penalty.

- 26 a). Any license issued under this article may be revoked or  
27 suspended by the City Controller by reason of a  
violation of any of the provisions of this Ordinance.  
28 b). When a hearing is set by the City Controller in a  
revocation or suspension procedure, the licensee shall  
29 receive not less than twenty (20) days written notice,  
which notice shall contain charges made, as well as the  
30 time and place when the hearing will be held.  
31 c). At a hearing conducted pursuant to this Article, the  
licensee shall have the right to be represented by  
32 counsel, to present witnesses, to testify and cross-  
examine any other witnesses and to subpoena witnesses.  
Proceedings shall be conducted under oath.



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- 2
- 3 d). The City Controller shall preside at the hearing and shall make the final determination.
- 4
- 5 e). If any decision adverse to the licensee is made by the City Controller after a hearing as provided above, the City Controller shall provide the licensee with a written reason for such decision, as well as a notice of the licensee's right to appeal to the Courts of the State of Indiana.
- 6
- 7
- 8 f). Any person who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.
- 9
- 10

11 7-30. Exclusions.

12 This Ordinance shall not effect persons that sell items covered by this Ordinance to the public, but purchase the same from dealers, manufacturers, or wholesalers, and do not purchase such items from the public.

13

14

15 ARTICLE III. PRECIOUS METALS AND STONES

16 Division 1. In General

17 Sec. 7-31. Definitions.

18 "Person" means any individual, firm, corporation or partnership.

19

20 "Precious metal or stones" means any items containing precious metals, including but not limited to silver, gold and platinum; or containing gems including but not limited to diamonds, rubies or emeralds.

21

22 "Precious stones or metals dealer" means any person engaged in the business of purchasing and reselling valuable items containing precious metals or stones, either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk stores, antique dealers, or secondhand stores.

23

24

25

26 Sec. 7-32. Records of purchases.

27 Except as provided in section 7-40 of this chapter, every person licensed as a precious metals or stones dealer shall keep and preserve 3" X 5" cards, furnished by the Fort Wayne Police Department, for each purchase of precious metals or stones the following information:

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29

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31

32



- a). The date and time of each purchase;
- b). An accurate account and description of the precious metals or stones purchased, including the weight, and type of item purchased;
- c). The price paid for the item containing precious metals or stones;
- d). The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the precious metals or stones was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3" X 5" cards provided for in this section shall be, at all times during business hours, open to the inspection of the Chief of Police of the city or any members of the police force authorized by the Chief of Police to examine such records.

Sec. 7-33. Chief of police required to fax "hot sheet".

The Chief of Police or his/her agent shall provide a "hot sheet", listing stolen goods containing precious metals or stones, to all precious metal and stone dealers by the utilization of a FAX machine or by making them available for retrieval at the office of the Chief of Police.

Sec. 7-34. Buying precious metals or stones from minors.

It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such precious metals or stones dealer and provide the information required in Section 7-32 of this article.

Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

## Division 2. Licenses.

Sec. 7-36. Required.

No person shall engage in the business of a precious metals or stones dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license therefor.



1  
2  
3 Sec. 7-37. Application.

4 Application for such license shall be filed with the  
5 Controller of the City of Fort Wayne. The Controller shall  
6 furnish a copy of the application to the Chief of Police.  
7 The application shall be on forms furnished by the Controller  
8 and shall contain the following information:

- 9 a). Name and address of the applicant;  
10 b). The street address of the building in which that  
11 person intends to carry out the business of a  
12 precious metals or stones dealer;  
13 c). The business telephone number.

14 Sec. 7-38. Fee; issuance.

15 Every applicant for a precious metals or stones dealer's  
16 license shall pay a non-refundable annual license fee in the  
17 sum of One hundred dollars (\$100.00). The license shall  
18 expire on December 31 of the year in which the license shall  
19 be issued. No reduction shall be made for any part of the  
20 year elapsed at the time of making such application for such  
21 license.

22 Sec. 7-39. Separate license for each establishment; change  
23 of location.

24 A separate license shall be obtained for each location at  
25 which a person conducts the business of a precious metals or  
26 stones dealer. If the holder of a license of a precious  
27 metals or stones dealership wishes to change the location of  
28 the operation of that person's business, that person shall  
29 make written notification for a transfer of location to the  
30 Controller of the City of Fort Wayne, which notification  
31 shall contain the new business address and business telephone  
32 number of the person.

Sec. 7-40. Violations; penalty.

- 24 a). Any license issued under this article may be revoked or  
25 suspended by the City Controller by reason of a  
26 violation of any of the provisions of this Ordinance.  
27 b). When a hearing is set by the City Controller in a  
28 revocation or suspension procedure, the licensee shall  
29 receive not less than twenty (20) days written notice,  
30 which notice shall contain charges made, as well as the  
31 time and place when the hearing will be held.  
32 c). At a hearing conducted pursuant to this Article, the  
licensee shall have the right to be represented by  
counsel, to present witnesses, to testify and cross-  
examine any other witnesses and to subpoena witnesses.  
Proceedings shall be conducted under oath.



1  
2  
3 d). The City Controller shall preside at the hearing and  
4 shall make the final determination.

5 e). If any decision adverse to the licensee is made by the  
6 City Controller after a hearing as provided above, the  
7 City Controller shall provide the licensee with a  
8 written reason for such decision, as well as a notice of  
9 the licensee's right to appeal to the Courts of the  
10 State of Indiana.

11 f). Any person who violates or fails to comply with any  
12 provision of this article shall, upon conviction  
13 thereof, be fined in the sum of five hundred dollars  
14 (\$500.00). Each day such violation is committed or  
15 permitted to continue shall constitute a separate  
16 offense.

17 7-41. Exclusions.

18 This Ordinance shall not effect persons that sell items  
19 covered by this Ordinance to the public, but purchase the  
20 same from dealers, manufacturers, or wholesalers, and do not  
21 purchase such items from the public.

22 SECTION 2. Severability. Should any section,  
23 paragraph, sentence, clause or phrase of this ordinance be  
24 declared unconstitutional or invalid for any reasons, the  
25 remainder of said ordinance shall not be affected thereby.

26 SECTION 3. That this Ordinance shall be in full force  
27 and effect from and after its passage and all necessary  
28 approval by the Mayor, and its legal publication thereof.

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Janet H. Bradbury  
COUNCILMEMBER

23 APPROVED AS TO FORM  
24 AND LEGALITY.

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Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



Read the first time in full and on motion by Bradbury, seconded by Quinta, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., E.S.T.

DATED: 9-12-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Quinta, and duly adopted, placed on its passage. PASSED ~~LAST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>2</u>		<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA		<u>✓</u>		
HENRY		<u>✓</u>		
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-10-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. D-21-89 on the 10th day of October, 1989,

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Charles S. Redd  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1989, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of October, 1989, at the hour of 9:20 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR





# The City of Fort Wayne

October 25, 1989

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of  
October 28 and November 4, 1989, in both the News Sentinel  
and Journal Gazette.


RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-89-09-20  
(as amended) (as amended)  
General Ordinance No. G-21-89  
Precious Metals or Stones

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



Notice is hereby given that on the 10th day of October, 19 89, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-89-09-20 (as amended) (as amended) -- General Ordinance No. G-21-89 to-wit:

BILL NO. G-89-09-20 (as amended) (as amended)

GENERAL ORDINANCE D-21-89.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE.

WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their resale value; and

WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following two Articles are added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled "Business Regulations Generally":

#### ARTICLE II. VALUABLE METALS

##### Division 1. In General

##### Sec. 7-20. Definitions.

"Person" means any individual, firm, corporation or partnership.

"Valuable metal" means any copper, lead, titanium, stainless steel, copper alloy or brass, formed as bar, cable, rod, tubing, wire, wire scrap, clamp, connector, bushing or bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures.

"Valuable metal dealer" means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.



(\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

7-41. Exclusions.

This Ordinance shall not effect persons that sell items covered by this Ordinance to the public, but purchase the same from dealers, manufacturers, or wholesalers, and do not purchase such items from the public.

SECTION 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and all necessary approval by the Mayor, and its legal publication thereof.

*Janet G. Bradbury*  
COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Bradbury, Burns, Edmonds, Redd, Schmidt,  
Talarico  
NAYS: Two  
GiaQuinta, Henry  
ABSTAINED: None  
ABSENT: One  
Long

DATED: 10-10-89

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-21-89, on the 10th day of October, 1989.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Charles B. Redd  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1989, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 19th day of October, 1989, at the hour of 9:20 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-21-89, passed by the Common Council on the 10th day of October, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 19th day of October, 1989, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne



BILL NO. G-89-09-20

*hold for  
Sept 26  
Oct 10*

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND  
SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS  
OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE  
MUNICIPAL CODE

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Janet H. Bradbury*

*Samuel J. Talarico*

*Clitus R Edmonds*

DATED: *10-10-89.*

Sandra E. Kennedy  
City Clerk



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

1
402
2
405

COMPUTATION OF CHARGES

405 lines, 1 columns wide equals 405 equivalent lines  
at .495 cents per line

200.48  
\$

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

202.48

TOTAL AMOUNT OF CLAIM

\$

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Alfred

November 4

89

Title: Clerk

PUBLISHER'S AFFIDAVIT

of Indiana )

) ss:

n County )

sonally appeared before me, a notary public in and for said county and state, the  
ersigned Nicole Alfred who, being duly sworn, says that he/  
is Clerk of the The News-Sentinel newspaper of general  
ulation printed and published in the English language in the (city) (town) of  
Fort Wayne, IN in state and county aforesaid, and that the printed matter  
tached hereto is a true copy, which was duly published in said paper for  
WO time ( s ) , the dates of publication being as follows:

10/28, 11/4/89

Nicole Alfred

ubscribed and sworn to before me this 4th day of November, 19 89.

Shelley R. Larue

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1990



Form Prescribed by State Board of Accountancy  
Fort Wayne Common Council  
(Governmental Unit)  
Allen County, Indiana  
To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN  
Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

1  
402  
2  
405

COMPUTATION OF CHARGES

405 lines, 1 columns wide equals 405 equivalent lines  
at .495 cents per line

\$ 200.48

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 202.48

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

LEGAL NOTICE  
Notice is hereby given that on the 10th day of October, 1989, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill, G-89-09-20 (as amended) (as amended) -- General Ordinance No. G-21-89 to-wit: BILL NO. G-89-09-20 (as amended) (as amended)

19 89 Title: Clerk

PUBLISHER'S AFFIDAVIT

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE. WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their sale value; and WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones. NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT: SECTION 1. The following two Articles are added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled 'Business Regulations Generally': ARTICLE II. VALUABLE METALS Division 1. In General Sec. 7-20. Definitions. 'Person' means any individual, firm, corporation or partnership. 'Valuable metal' means any copper, lead, titanium, stainless steel, copper alloy or brass, formed as bar, plate, rod, bearing or other appurtenances utilized or which can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters in building structures. 'Valuable metal dealer' means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure. Sec. 7-21. Records of purchases. Except as provided in section 7-30 of this chapter, every person licensed as a valuable metal dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of valuable metal the following information: a) The date and time of each purchase; b) An accurate account and description of the valuable metal purchases, including the weight and whether it consists of bar, cable, rod, tubing, wire, fire scrap, clamp, connector or other appurtenances or some combination thereof; or the type of building

State of Indiana ) ss: en County ) personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter checked hereto is a true copy, which was duly published in said paper for WO time (s), the dates of publication being as follows: 10/28, 11/4/89

Nicole Allred

Subscribed and sworn to before me this 4th day of November, 19 89

Shelley R. Larue

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1990



Ordinance No. G-21-89, on the 10th day of October, 1989, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill: G-89-09-20 (as amended) (as amended) - General Ordinance No. G-21-89 to-wit: BILL NO. G-89-09-20 (as amended) (as amended)

GENERAL ORDINANCE G-21-89 OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR TONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE.

WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their resale value; and

WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following two Articles are added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled 'Business Regulations Generally':

#### ARTICLE II. VALUABLE METALS

##### Division 1. In General

Sec. 7-20. Definitions.  
'Person' means any individual, firm, corporation or partnership.

'Valuable metal' means any copper, lead, titanium, stainless steel, copper alloy or brass, formed as bar, cable, rod, bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures.

'Valuable metal dealer' means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.

Sec. 7-21. Records of purchases.

Except as provided in section 7-30 of this chapter, every person licensed as a valuable metal dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of valuable metal the following information:

a) The date and time of each purchase;  
b) An accurate account and description of the valuable metal purchases, including the weight and whether it consists of bar, cable, rod, tubing, wire, wire scrap, clamp, connector or other appurtenances or some combination thereof; or the type of building materials purchases;

c) The price paid for the valuable metal;  
d) The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the valuable metal was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a valuable metal dealer for a period of one

Sec. 7-31. Definitions.

'Person' means any individual, firm, corporation or partnership.

'Precious metal or stones' means any items containing precious metals, including but not limited to silver, gold and platinum; or containing gems including but not limited to diamonds, rubies or emeralds.

'Precious stones or metals dealer' means any person engaged in the business of purchasing and reselling valuable items containing precious metals or stones, either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, antique dealers, secondhand stores, or flea markets.

Sec. 7-32. Records of purchases.

Except as provided in section 7-40 of this chapter, every person licensed as a valuable metals or stones dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of precious metals or stones the following information:

a) The date and time of each purchase;  
b) An accurate account and description of the precious metals or stones purchased, including the weight and type of item purchased;  
c) The price paid for the item containing precious metals or stones;

d) The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the precious metals or stones was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours, shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a valuable metal dealer for a period of one (1) year from date of purchase.

Sec. 7-33. Chief of police required to fax 'hot sheet'.

The Chief of Police or his/her agent shall, at their discretion, provide a 'hot sheet', listing stolen goods containing precious metals or stones, to all precious metal or stone dealers by the utilization of a FAX machine or making them available for retrieval at the office of the Chief of Police.

Sec. 7-34. Buying precious metals or stones from minors.

It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such precious metals or stones dealers and provide the information required in Section 7-32 of this article.

Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

##### Division 2. Licenses.

Sec. 7-36. Required.

No person shall engage in the business of a precious metals or stones dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license therefor.

In the event several precious stones or metals dealers are located at a coin or antique show which is ten (10) days or less of duration, only the organizer/manager of said coin or antique show shall

G-21-89, on the 10th day of October, 1989.

ATTEST:

Sandra E. Kennedy  
City Clerk

Charles B. Redd  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1989, at the hour of 2:00 P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 19th day of October, 1989, at the hour of 9:20 P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-21-89, passed by the Common Council on the 10th day of October, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 19th day of October, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 19th day of October, 1989.

Sandra K. Kennedy  
CITY CLERK

10-28/11-4

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for the State of Indiana, Nicole Alfred

undersigned \_\_\_\_\_ who, being (

she is Clerk of the The News-Sentinel

circulation printed and published in the English language

Fort Wayne, IN in state and county aforesaid, and

attached hereto is a true copy, which was duly published \_\_\_\_\_ time (s), the dates of publication being as follows

10/28, 11/4/89

Subscribed and sworn to before me this 4th day of \_\_\_\_\_

Notary  
SHEL

My commission expires: March 3, 1990



3a. auto wreckers, scrap metal dealers, salvagers, salvage yards, collectors of or dealers in junk cars or trucks, or the seller of any and junk cars or trucks, or the seller of any valuable metals originating from a building structure.

Sec. 7-21. Records of purchases. Except as provided in section 7-30 of this chapter, any person licensed as a valuable metal dealer shall keep and preserve 3 inch by 5 inch cards or other records, which may be furnished by the Fort Wayne Police Department, for each purchase of valuable metal the following information:

a) The date and time of each purchase;  
b) An accurate account and description of the valuable metal purchases, including the weight and either it consists of bar, cable, rod, tubing, wire, scrap, clamp, connector or other appurtenances or some combination thereof; or the type of building materials purchases;  
c) The price paid for the valuable metal;

d) The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the valuable metal was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a valuable metal dealer for a period of one (1) year from date of purchase.

Sec. 7-22. Chief of police required to fax 'hot sheet'.

The Chief of Police or his/her agent shall, at their discretion, provide a 'hot sheet', listing stolen goods containing valuable metals, to all valuable metal dealers by the utilization of a FAX machine or making it available for retrieval at the office of the Chief of Police.

Sec. 7-23. Buying valuable metals from minors. It shall be unlawful for any valuable metal dealer to take, purchase or receive any goods or articles containing any valuable metals, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such valuable metal dealers and provide the information required in Section 7-21 of this article.

Sec. 7-24. Retention before sale or disposition.

All goods or articles containing valuable metals purchased or received by any proprietor, manager or employee of any licensed valuable metal dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

#### Division 2. Licenses.

##### Sec. 7-25. Required.

No person shall engage in the business of a valuable metal dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license therefore.

##### Sec. 7-26. Application.

Application for such license shall be filed with the Controller of the City of Fort Wayne. The Controller shall furnish a copy of the application to the Chief of Police. The application shall be on forms furnished by the Controller and shall contain the following information:

a) Name and address of the applicant;  
b) The street address of the building in which that person intends to carry out the business of a valuable metal dealer;  
c) The business telephone number.

##### Sec. 7-27. Fee; issuance.

Every applicant for a valuable metal dealer's license shall pay a non-refundable annual license fee in the sum of Ten dollars (\$10.00). The license shall expire on December 31 of the year in which the license shall be issued. No reduction shall be made for any part of the year elapsed at the time of making such application for such license.

Sec. 7-28. Separate license for each establishment; change of location.

A separate license shall be obtained for each location at which a person conducts the business of a valuable metal dealer. If the holder of a license of a valuable metal dealership wishes to change the location of the operation of that person's business, that person shall make written notification for transfer of location to the Controller of the City of Fort Wayne, which notification shall contain the new business address and business telephone number of the person.

##### Sec. 7-29. Violations; penalty.

a) Any license issued under this article may be revoked or suspended by the City Controller by reason of a violation of any of the provisions of this Ordinance.

b) When a hearing is set by the City Controller in a revocation or suspension procedure, the licensee shall receive not less than twenty (20) days written notice, which notice shall contain charges made, as well as the time and place when the hearing will be held.

c) At a hearing conducted pursuant to this Article, the licensee shall have the right to be represented by counsel, to prevent witnesses, to testify and cross-examine any other witnesses and to subpoena witnesses. Proceedings shall be conducted under oath.

d) The City Controller shall preside at the hearing and shall make the final determination.

e) If any decision adverse to the licensee is made by the City Controller after a hearing as provided above, the City Controller shall provide the licensee with a written reason for such decision, as well as a notice of the licensee's right to appeal to the Courts of the State of Indiana.

f) Any person who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

##### 7-30. Exclusions.

This Ordinance shall not effect persons that sell items covered by this Ordinance to the public, but purchase the same from dealers, manufacturers, or wholesalers, and do not purchase such items from the public.

containing precious metals by the utilization of a FAX machine or making them available for retrieval at the office of the Chief of Police.

Sec. 7-34. Buying precious metals or stones from minors.

It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such precious metals or stones dealers and provide the information required in Section 7-32 of this article.

Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

#### Division 2. Licenses.

##### Sec. 7-36. Required.

No person shall engage in the business of a precious metals or stones dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license therefore.

In the event several precious stones or metals dealers are located at a coin or antique show which is only the ten (10) days or less of duration, only the organizer/manager of said coin or antique show shall be required to purchase a license. However, if said antique show or coin show has a duration in excess of ten (10) days, each precious stones or metals dealer at said show shall be required to purchase a separate license.

##### Sec. 7-37. Application.

Application for such license shall be filed with the Controller of the City of Fort Wayne. The Controller shall furnish a copy of the application to the Chief of Police. The application shall be on forms furnished by the Controller and shall contain the following information:

a) Name and address of the applicant;  
b) The street address of the building in which that person intends to carry out the business of a precious metals or stones dealer;  
c) The business telephone number.

##### Sec. 7-38. Fee; issuance.

Every applicant for a precious metals or stones dealer's license shall pay a non-refundable annual license fee in the sum of Ten dollars (\$10.00). The license shall expire on December 31 of the year in which the license shall be issued. No reduction shall be made for any part of the year elapsed at the time of making such application for such license.

Sec. 7-39. Separate license for each establishment; change of location.

A separate license shall be obtained for each location at which a person conducts the business of a precious metals or stones dealer. In the case of a flea market only one (1) license need be obtained for the whole flea market, and not for each participant at such a flea market. If the holder of a license of a precious metals or stones dealership wishes to change the location of the operation of that person's business, the person shall make written notification for transfer of location to the Controller of the City of Fort Wayne, which notification shall contain the new business address and business telephone number of the person.

##### Sec. 7-40. Violations; penalty.

a) Any license issued under this article may be revoked or suspended by the City Controller by reason of a violation of any of the provisions of this Ordinance.

b) When a hearing is set by the City Controller in a revocation or suspension procedure, the licensee shall receive not less than twenty (20) days written notice, which notice shall contain charges made, as well as the time and place when the hearing will be held.

c) At a hearing conducted pursuant to this Article, the licensee shall have the right to be represented by counsel, to prevent witnesses, to testify and cross-examine any other witnesses and to subpoena witnesses. Proceedings shall be conducted under oath.

d) The City Controller shall preside at the hearing and shall make the final determination.

e) If any decision adverse to the licensee is made by the City Controller after a hearing as provided above, the City Controller shall provide the licensee with a written reason for such decision, as well as a notice of the licensee's right to appeal to the Courts of the State of Indiana.

f) Any person who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

##### 7-41. Exclusions.

This Ordinance shall not effect persons that sell items covered by this Ordinance to the public, but purchase the same from dealers, manufacturers, or wholesalers, and do not purchase such items from the public.

SECTION 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and all necessary approval by the Mayor, and its legal publication thereof.

Janet G. Bradbury  
COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage, PASSED by the following vote:

AYES: Six  
Bradbury, Burns, Edmonds, Redd, Schmidt, Talarico

NAYS: Two  
GlaQuinta, Henry  
ABSTAINED: None  
ABSENT: One  
Long

DATED: 10-10-89

Sandra E. Kennedy  
City Clerk



1989, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill No. G-89-09-20 (as amended) (as amended) -- General Ordinance No. G-21-89 to-wit: BILL NO. G-89-09-20 (as amended) (as amended)

GENERAL ORDINANCE G-21-89

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING THE BUYING AND SELLING OF ITEMS CONTAINING VALUABLE METALS AND PRECIOUS METALS OR STONES BY ADDING TWO NEW ARTICLES TO CHAPTER SEVEN OF THE MUNICIPAL CODE.

WHEREAS, there has been an increasing problem in the City of Fort Wayne where houses are being stripped of aluminum siding, storm doors and windows, and copper plumbing and wiring for their resale value; and

WHEREAS, there is currently no efficient system for the Fort Wayne Police Department to recover stolen items containing precious metals and stones.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following two Articles are added to chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled 'Business Regulations generally':

ARTICLE II. VALUABLE METALS

Division 1. In General

Sec. 7-20. Definitions.

'Person' means any individual, firm, corporation or partnership.

'Valuable metal' means any copper, lead, titanium, stainless steel, copper alloy or brass, formed as bar, cable, rod, bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters in building structures.

'Valuable metal dealer' means any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.

Sec. 7-21. Records of purchases.

Except as provided in section 7-30 of this chapter, every person licensed as a valuable metal dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of valuable metal the following information:

- a) The date and time of each purchase;
- b) An accurate account and description of the valuable metal purchases, including the weight and whether it consists of bar, cable, rod, tubing, wire, scrap, clamp, connector or other appurtenances or some combination thereof; or the type of building materials purchases;
- c) The price paid for the valuable metal;
- d) The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the valuable metal was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business

ARTICLE III. PRECIOUS METALS AND STONES

Division 1. In General

Sec. 7-31. Definitions.

'Person' means any individual, firm, corporation or partnership.

'Precious metal or stones' means any items containing precious metals, including but not limited to silver, gold and platinum; or containing gems including but not limited to diamonds, rubies or emeralds.

'Precious stones or metals dealer' means any person engaged in the business of purchasing and reselling valuable items containing precious metals or stones, either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, antique dealers, secondhand stores, or flea markets.

Sec. 7-32. Records of purchases.

Except as provided in section 7-40 of this chapter, every person licensed as a valuable metals or stones dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of precious metals or stones the following information:

- a) The date and time of each purchase;
- b) An accurate account and description of the precious metals or stones purchased, including the weight and type of item purchased;
- c) The price paid for the item containing precious metals or stones;
- d) The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the precious metals or stones was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours, shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a valuable metal dealer for a period of one (1) year from date of purchase.

Sec. 7-33. Chief of police required to fax 'hot sheet'.

The Chief of Police or his/her agent shall, at their discretion, provide a 'hot sheet', listing stolen goods containing precious metals or stones, to all precious metal or stone dealers by the utilization of a FAX machine or making them available for retrieval at the office of the Chief of Police.

Sec. 7-34. Buying precious metals or stones from minors.

It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such precious metals or stones dealers and provide the information required in Section 7-32 of this article.

Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

Talarico  
NAYS: Two  
GiaQuinta, Henry  
ABSTAINED: None  
ABSENT: One  
Long  
DATED: 10-10-89

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-21-89, on the 10th day of October, 1989.

ATTEST:  
Sandra E. Kennedy  
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1989, at the hour of 2:00 P.M., E.S.T.

Approved and signed by me this 19th day of October, 1989, at the hour of 9:20 P.M., E.S.T.

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-21-89, passed by the Common Council on the 10th day of October, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 19th day of October, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 19th day of October, 1989.

10--28/11--4  
Sandra K. Kennedy  
CITY CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana )  
I, ) ss:  
Allen County )

Personally appeared before me, a notary public in and for said undersigned Nicole Allred who, being duly

she is Clerk of the The Journal-Gazette

circulation printed and published in the English language

Fort Wayne, IN in state and county aforesaid, and

attached hereto is a true copy, which was duly published

two time(s), the dates of publication being as follows

10/28, 11/4/89

Subscribed and sworn to before me this 4th day of

Notary Public SHELLEY

My commission expires: March 3, 1990



every person licensed as a valuable metal dealer shall keep and preserve 3 inch by 5 inch cards or other forms, which may be furnished by the Fort Wayne Police Department, for each purchase of valuable metal the following information:

- The date and time of each purchase;
- An accurate account and description of the valuable metal purchases, including the weight and whether it consists of bar, cable, rod, tubing, wire, wire scrap, clamp, connector or other appurtenances or some combination thereof; or the type of building materials purchases;
- The price paid for the valuable metal;
- The name, address, age, sex, race, date of birth, driver's license number or social security number of the person or persons from whom the valuable metal was purchased.

The dealer shall further require that the seller be properly identified with two verifiable pieces of identification, one of which shall be a pictured identification card.

The 3 inch by 5 inch cards or other forms provided for in this section shall be consecutively numbered and dated, and at all times during business hours shall be open to the inspection of the Chief of Police of the City or any members of the police force authorized by the Chief of Police to examine such records. Said cards or forms shall be retained at the business premises of a valuable metal dealer for a period of one (1) year from date of purchase.

Sec. 7-22. Chief of police required to fax 'hot sheet'.

The Chief of Police or his/her agent shall, at their discretion, provide a 'hot sheet', listing stolen goods containing valuable metals, to all valuable metal dealers by the utilization of a FAX machine or making it available for retrieval at the office of the Chief of Police.

Sec. 7-23. Buying valuable metals from minors. It shall be unlawful for any valuable metal dealer to take, purchase or receive any goods or articles containing any valuable metals, from any person who is under the age of eighteen years, unless the parent, guardian or other person having custody of the minor, shall be present and authorize the minor to sell and deliver such goods or articles to such valuable metal dealers and provide the information required in Section 7-21 of this article.

Sec. 7-24. Retention before sale or disposition. All goods or articles containing valuable metals purchased or received by any proprietor, manager or employee of any licensed valuable metal dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

Division 2. Licenses.

Sec. 7-25. Required.

No person shall engage in the business of a valuable metal dealer in the City of Fort Wayne without complying with this Ordinance and obtaining a license herefore.

Sec. 7-26. Application.

Application for such license shall be filed with the Controller of the City of Fort Wayne. The Controller shall furnish a copy of the application to the Chief of Police. The application shall be on forms furnished by the Controller and shall contain the following information:

- Name and address of the applicant;
- The street address of the building in which that person intends to carry out the business of a valuable metal dealer;
- The business telephone number.

Sec. 7-27. Fee; issuance. Every applicant for a valuable metal dealer's license shall pay a non-refundable annual license fee in the sum of ten dollars (\$10.00). The license shall expire on December 31 of the year in which the license shall be issued. No reduction shall be made for any part of the year elapsed at the time of making such application or such license.

Sec. 7-28. Separate license for each establishment; change of location.

A separate license shall be obtained for each location at which a person conducts the business of a valuable metal dealer. If the holder of a license of a valuable metal dealership wishes to change the location of the operation of that person's business, that person shall make written notification for transfer of location to the Controller of the City of Fort Wayne, which notification shall contain the new business address and business telephone number of the person.

Sec. 7-29. Violations; penalty.

a) Any license issued under this article may be revoked or suspended by the City Controller by reason of a violation of any of the provisions of this Ordinance.

b) When a hearing is set by the City Controller in a revocation or suspension procedure, the licensee shall receive not less than twenty (20) days written notice, which notice shall contain charges made, as well as the time and place when the hearing will be held.

c) At a hearing conducted pursuant to this Article, the licensee shall have the right to be represented by counsel, to prevent witnesses, to testify and cross-examine any other witnesses and to subpoena witnesses. Proceedings shall be conducted under oath.

d) The City Controller shall preside at the hearing and shall make the final determination.

e) If any decision adverse to the licensee is made by the City Controller after a hearing as provided above, the City Controller shall provide the licensee with a written reason for such decision, as well as a notice of the licensee's right to appeal to the Courts of the State of Indiana.

f) Any person who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

7-30. Exclusions.

This Ordinance shall not effect persons that sell items covered by this Ordinance to the public, but purchase the same from dealers, manufacturers, or wholesalers, and do not purchase such items from the public.

Sec. 7-33. Chief of police required to fax 'hot sheet'.

The Chief of Police or his/her agent shall, at their discretion, provide a 'hot sheet', listing stolen goods containing precious metals or stones, to all precious metal or stone dealers by the utilization of a FAX machine or making them available for retrieval at the office of the Chief of Police.

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Sec. 7-35. Retention before sale or disposition.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager, or employee for a period of not less than thirty-six (36) hours after its receipt before any such goods or articles may be disposed of or sold.

Division 2. Licenses.

Sec. 7-36. Required.

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In the event several precious stones or metals dealers are located at a coin or antique show which is ten (10) days or less of duration, only the organizer/manager of said coin or antique show shall be required to purchase a license. However, if said antique show or coin show has a duration in excess of ten (10) days, each precious stones or metals dealer at said show shall be required to purchase a separate license.

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c) At a hearing conducted pursuant to this Article, the licensee shall have the right to be represented by counsel, to prevent witnesses, to testify and cross-examine any other witnesses and to subpoena witnesses. Proceedings shall be conducted under oath.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and all necessary approval by the Mayor, and its legal publication thereof.

Janet G. Bradbury  
COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:  
AYES: Six  
Bradbury, Burns, Edmonds, Redd, Schmidt,

My commission expires: March 3, 1990

Notary Public: Whitley C. Shelley R. Larue